

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7823 OF 2006

Mohamad Sherrif Abdul Gaffar ...Petitioner

v/s

Amar Ali Manji Dobani and anr. ...Respondents

Mr R.D. Suryawanshi for Petitioner.

Mr Pankaj Das i/b Mr R.S. Dalvi for Respondent No.1.

Mr M.V. Limaye i/b Mr R.S. Apte for Respondent No.2.

CORAM : **D.K. DESHMUKH J.**

DATE : **6TH JULY 2007.**

P.C.

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1. By this petition, the petitioner challenges the order passed by the appeal Court. By that order, the Appeal Court has declined to condone delay in filing appeal. Because the delay has not been condoned I was initially inclined to condone the delay, so that the appeal can be heard on merits, but what has been submitted by the learned counsel appearing for respondents persuades me not to give any concession to the petitioner. The learned counsel points out that the settled possession of the respondents was disturbed by the petitioner despite there being an order of the Court directing the parties to maintain status-quo. Therefore, ultimately the Court made a mandatory order for restoration of possession to the respondents. Despite the mandatory order, the petitioner has not only disobeyed that order but has introduced third party on the premises and the third party has issued public notice. The learned counsel appearing for petitioner is not in a position to make a statement that the statements made by the learned counsel appearing for respondents are incorrect. In my opinion, the petitioner has committed breach of the order passed by the Court. No exception can be taken to the order passed by the Appeal Court declining to condone the

delay. Petition is rejected.

. Parties to act on copy of this order duly
authenticated by the Sheristedar / Private Secretary as
true copy.

. Certified copy expedited.
